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E-Filed on 12/15/06

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA Commercial Mortgage Company
06-10725 – Lead Case**

**USA Capital Realty Advisors, LLC
06-10726**

**USA Capital Diversified Trust Deed Fund,
LLC
06-10728**

**USA Capital First Trust Deed Fund, LLC
06-10728**

**USA Securities, LLC
06-10729**

Debtors.

Jointly Administered

Chapter 11 Cases

Judge Linda B. Rieggle Presiding

**EX PARTE MOTION FOR LEAVE
OF COURT TO FILE BRIEF IN
SUPPORT OF PLAN
CONFIRMATION IN EXCESS OF 20
PAGES**

Date: December 19, 2006

Time: 10:00 a.m.

Affecting:

× All Cases

or Only:

.. USA Commercial Mortgage Company

.. USA Capital Realty Advisors, LLC

.. USA Capital Diversified Trust Deed Fund,
LLC

.. USA Capital First Trust Deed Fund, LLC

.. USA Securities, LLC

The Official Unsecured Creditors Committee for USA Commercial Mortgage Company (“Unsecured Committee”) hereby files this Ex Parte Motion for Leave of Court to File Brief in Support of Plan Confirmation in Excess of 20 Pages (the “Motion”), whereby the Unsecured Committee respectfully requests that this Court allow the Unsecured Committee to file its reply brief in support of confirmation of the Plan in excess of the 20 page limit prescribed by Local Rule 9014(e). This Motion is based upon



the following Points and Authorities, and the pleadings, papers and records on file in this case.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

The USA bankruptcy cases are large and complex cases, including five Debtors, four official committees and numerous and complex issues regarding confirmation. The Unsecured Committee has joined in Debtors' opening brief. Numerous objections to confirmation of the Plan were filed, some of which raised issues in which not all of the Committees could join. Accordingly, the Unsecured Committee is preparing and will file a separate reply brief addressing those issues as to which not all of the Committees will join.

In order to adequately address all of the issues, the Unsecured Committee seeks to file a brief that exceeds the 20 page limitation in length. The brief will include an index, table of contents and a table of authorities pursuant to Local Rule 9014(e).

The Unsecured Committee has no objection to other parties filing oversized briefs, and accordingly, parties will not be prejudiced by this request.

II. LEGAL ARGUMENT

Local Rule 9014(e) provides in relevant part that:

Unless the court orders otherwise, prehearing and posthearing briefs and points and authorities in support of, or in response to, motions are limited to 20 pages including the motion but excluding exhibits When the court enters an order permitting a longer brief or points and authorities, the papers must include an index, table of contents, and table of authorities.

III. CONCLUSION

Based on the foregoing, the Unsecured Committee asks this Court to grant the Motion and allow the Unsecured Committee to file its brief in support of plan confirmation which exceeds the 20 page limit.



1 Dated December 15, 2006.

2 **LEWIS AND ROCA LLP**

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4 By /s/ RC (#006593)

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6 Rob Charles, NV 6593

7 *Attorneys for Official Unsecured Creditors' Committee*
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